



## **Austin City Council MINUTES**

**For MARCH 3, 1988 - 1:00 P.M.**

Council Chambers, 307 West Second Street, Austin, Texas

### **Memorandum To:**

Mayor Cooksey called to order the meeting of the Council, noting the presence of all Councilmembers.

#### **MINUTES APPROVED**

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second approved minutes for regular meeting of February 25, 1988 and special meeting of February 23, 1988. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Urdy and Humphrey out of the room)

#### **CITIZEN COMMUNICATIONS**

Ms. Liz Hildreth and Mr. Richard Halpin discussed educational issues. Mr. Brian Lynch and Mr. Charles R. Jones talked about adult arcade ordinance.

#### **BOARD & COMMISSION REPORTS**

A report was given on Community Development Commission, CDBG 14th Year Spending Recommendations. A report on Austin Women's Commission - National Women's History Month was also presented. Councilmember Shipman discussed the designation of the month of March as National Women's History Month in Austin.

#### **CONSENT ORDINANCES - OLD BUSINESS**

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second passed the following ordinances in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

##### **1987-88 Annual Operating Budget**

Amended the 1987-88 Annual Operating Budget by appropriating \$12,000.00 from the Tennis Fund Ending Balance to resurface six tennis courts at the Pharr Tennis Center.

##### **Second/Third Readings of Zoning Ordinances**

Passed through second/third readings of an ordinance amending

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Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes:

- (1) ANN SEAMAN                      813-901 South                      From "SF-3"  
C14-87-162                      Lamar Boulevard                      To "CS"

First reading on January 7, 1988, (6-0).

Councilmember Charles E. Urdy out of room at roll call. No conditions to be met.

- (2) BOB HIGGINBOTHAM                      16306-16314                      From Interim "RR"  
C14r-85-216                      IH-35 NORTH                      To "CS"

First reading on December 5, 1985, (5-0).

Councilmember George Humphrey out of room at roll call and Councilmember Smoot Carl-Mitchell absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an exhibit to the ordinance.

- (3) ELY A. AND BARBARA                      7800 Hwy. 71 West                      From Interim "RR"  
HUDSON                                           To "CS"  
C14-85-288.186A

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (4) ELY A. AND BARBARA                      7900 Hwy. 71 West                      From Interim "RR"  
HUDSON                                           To "CS"  
C14-85-288.186B

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (5) ELY A. AND BARBARA                      8016 Hwy. 290                      From Interim "RR"  
HUDSON                      West                      To "LO"  
C14-85-288.103A

First reading on October 9, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (6) ELY A. AND BARBARA                      U.S. 290, adjoins                      From Interim "RR"  
HUDSON                      8016 U.S. 290                      To "LO"  
C14-85-288.103B                      West

First reading on October 9, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

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- (7) PERRY LORENZ                      502 & 504 Willow      From "CS"  
C14-87-155                      Street                      To "CBD"

First reading on December 3, 1987, (6-0). Mayor Frank C. Cooksey absent. No conditions to be met.

- (8) ELRY A. AND BARBARA              6820 Hwy. 290              From Interim "SF-2"  
HUDSON                      West                      To "LR"  
C14-85-288.187

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (9) ELRY A. AND BARBARA              6800 Hwy. 290              From Interim "SF-2"  
HUDSON                      West                      To "LR"  
C14-85-288.188

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (10) ELRY A. AND BARBARA              6812 Hwy. 290              From Interim "SF-2"  
HUDSON                      West                      To "LR"  
C14-85-288.189

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (11) BURNET ROAD LAND              12650 Burnet Road      From "SF-6"  
JOINT VENTURE                                           To "LO"  
C14r-84-443

First reading on July 2, 1987, (4-3). Mayor Pro Tem John Trevino, Jr., Councilmember Smoot Carl-Mitchell and Councilmember Michael "Max" Nofziger voted "NO". Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Development restricted to that shown on site plan attached as an exhibit to the ordinance.

4-2-0 . VOTE, SECOND READING ONLY, Councilmembers Carl-Mitchell and Nofziger voted No, Mayor Pro Tem Trevino out of the room.

**ITEM POSTPONED**

Council postponed indefinitely, at the applicant's request, the following zoning case:

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CITY OF AUSTIN  
C14-85-318  
John Joseph, Agent

5904-7304  
Convict Hill Rd.

From Interim "RR"  
& Interim "SF-2"  
To "SF-6" & "LR"  
limited to 6 units  
per acre with  
density to reduce  
towards neighbor-  
hood and standard Oak  
Hill conditions.

First reading on June 18, 1986, (7-0). Conditions  
have not been met by property owners by deadline set  
by City Council.

**RESOLUTION POSTPONED**

Postponed to March 8, 1988 is consideration of approval of a Wastewater Disposal Contract between Brushy Creek Water Control and Improvement District No. 1 of Williamson and Milam Counties, the City of Austin, and the City of Round Rock and consideration of options for Wastewater Disposal in the Brushy Creek Watershed.

**ITEM PREVIOUSLY APPROVED**

Consideration of the City of Austin Investment Policy was approved on March 1, 1988.

**PUBLIC HEARING SET**

The Council, on Councilmember Urdy's motion, Councilmember Humphrey's second, waived the requirement for three readings and finally passed an ordinance ordering and setting a public hearing at 4:00 p.m. on April 21, 1988, in connection with paving assessment to be levied on the following: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

- a. RIVERSIDE DRIVE, consisting of one unit covering approximately 30 blocks. C.I.P. No. 73/62-03
- b. CAMERON ROAD AND RUTHERFORD LANE, consisting of an intersection. C.I.P. No. 73/63-44.

**CONSENT RESOLUTIONS**

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted the following resolutions in one consent motion: (6-0 Vote, Mayor Pro Tem Trevino out of the room)

**Sale of City-Owned Property**

Approved of the sale of City-owned property to the adjoining property owner at 1918 Rosewood Avenue.

Release of Easements

Authorized the release of the following easements:

- a. An Electric and Telephone Easement recorded in Volume 3230, Page 1891, and an Electric and Telephone Easement recorded in Volume 3759, Page 1906, of the Travis County Deed Records, Hamilton Road. (Request submitted by Don Sansom of the Urban Engineering Group)
- b. Portions of the Electric Easements of record in Volume 1441, Page 306, same being portions of Electric Easements of record in Volume 408, Page 258; Volume 413, Page 183; Volume 400, Page 345; and Volume 408, Page 588, of the Travis County Real Property Records, diagonally adjacent to 9600 Block IH 35 North. (Request submitted by Barry Campbell Engineering, Inc. on behalf of Rundberg Lane Property/Estate of Thomas R. McElhanney)
- c. A 10' Public Utility Easement of record in Cabinet H, Slide 173-175, Williamson County Plat Records, located on Lot 4, Lakeline Section One, F.M. 620. (Request submitted by McGray & McGray Land Surveyors, Inc. on behalf of Cunningham/Vackar Joint Venture)
- d. A portion of the 5' Public Utility Easements of record in Plat Book 3, Page 158, Travis County Plat Records, located on Lot A, Enfield D, a resubdivision of Lots 33, 34 and 35, Enfield D Subdivision, of record in Book 76, Page 257, Travis County Plat Records, 2106 Parkway. (Request submitted by John Calhoun Miller on behalf of Robert and Julie Hale)
- e. A Public Utility Easement on the common lot line of Lots 12 and 13, Shoal Terrace, a subdivision out of Outlot 10, Division "Z", recorded in Book 3, Page 225, of the Plat Records of Travis County, Texas, 1100 Claire Avenue. (Request submitted by Ann E. Engles on behalf of Mary Ireland Dougherty)
- f. A portion of the Electric and Telephone Easement of record in Volume 7359, Page 44, Travis County Deed Records, located on Lot 1, St. David's Community Hospital Addition, East 32nd Street. (Request submitted by George L. Sanders of Metcalfe & Sanders, Inc.)
- g. A portion of the 5' Public Utility Easement of record in Book 26, Page 32, Plat Records of Travis County, Texas, located on Lot 13, Block "O", Northwest Hills, Section 7, 4202 Farhills Drive. (Request submitted by Tom Curtis on behalf of Frank Phillips)

- h. The 5' Public Utility Easement and a portion of the Overhang Easement of record in Book 33, Page 37, Travis County Plat Records, located on Lot 11, Block "F", Northwest Hills Mesa Oaks, Phase Three, 4103 Greystone. (Request submitted by Dr. Albert Randall)
- i. The 10' Public Utility Easement on the common lot line of Lot 5 and 6, Block D, Onion Creek Forest, Section I, of record in Book 63, Page 57, of the Plat Records of Travis County, Texas, 6802 Thatch Lane. (Request submitted by R. L. Ledbetter)
- j. A portion of a 10' Public Utility and Drainage Easement of record in Book 4, Page 299, Plat Records of Travis County, Texas, located on Lot 29 and a portion of Lot 30, Block J, Highland Park West, 5224 Valley Oak Drive. (Request submitted by Steve McAngus of Associated Surveying & Mapping on behalf of Ned Granger)
- k. A portion of the Electric and Telephone Easement of record in Volume 4588, Page 1207, Travis County Real Property Records, located on Lot "A", Fox Addition, 8940 Research Boulevard. (Request submitted by Michael Macari)
- l. A portion of a 10' Public Utility Easement of record in Book 83, Page 151B, Plat Records of Travis County, Texas, located on Lot 20, Block K, Cat Mountain Villas Section 3-B, 5800 Westslope Cove. (Request submitted by James Kerby on behalf of Mike Barrett)

#### Item Postponed

Postponed indefinitely is the release of the following easement:

A portion of the Electric and Telephone Easement of record in Volume 9518, Page 722, Travis County Deed Records, located on Lot 28, Block 9, Section 1, Harris Ridge, 1114 Haverford Drive. (Request submitted by Mark Schindler on behalf of the Gemcraft Homes)

#### Eminent Domain Proceedings

Authorized the filing of Eminent Domain proceedings to acquire the following under Capital Improvements Program.

- a. 189 square feet of right-of-way in fee simple out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas owned by Edward M. Barkley for the St. Elmo Paving Project. C.I.P. No. 79/62-13

- b. 2,300 square feet of right-of-way in fee simple out of the Santiago Del Valle Grant in the City of Austin, Travis County, Texas, owned by Richard Bazemore and wife Virginia Bazemore for the Industrial Streets South Improvement Project. C.I.P. No. 85/62-62
- c. A Water Transmission Main Easement containing 3,128 square feet of land out of the William Frampton Survey, Abstract No. 230, City of Austin, Williamson County, Texas, owned by Reed Enterprises, a Texas General Partnership, for the Jollyville Water Transmission Main Project. C.I.P. No. 85/22-23
- d. 4,135 square feet of right-of-way in fee simple and 694 square feet of land for a Permanent Drainage Easement out of and a part of the James Burleson Survey No. 19, Travis County, owned by Colony Meadows Joint Venture for the Loyola Lane Street Improvement Project. C.I.P. 85/62-32
- e. 5,603 square feet of right-of-way in fee simple and 5,603 square feet of land for a Permanent Slope Easement out of the J. C. Tannehill League Survey in the City of Austin, Travis County, Texas owned by Northeast Austin Limited Partnership for the Loyola Lane Street Improvement Project. C.I.P. No. 85/62-32
- f. 0.994 acres of right-of-way in fee simple out of the George W. Davis Survey No. 15, Travis County, Texas, owned by Rose Fox and Florence Marie Fox Bell for the U.S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- g. 0.692 acres of right-of-way in fee simple out of the George W. Davis Survey No. 15, Travis County, Texas, owned by Austin Home Center Associates for the U. S. Highway 183 Improvement Project. C.I.P. No. 85/62-01
- h. 0.121 acre (5,260 square feet) of land in fee simple out of the James P. Wallace Survey No. 18, in Travis County, Texas, owned by Henry Tumey and Jackie Tumey for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- i. 0.096 acre (4,190 square feet) of land in fee simple out of the James P. Wallace Survey No. 18, Travis County, Texas, owned by Robert C. Carr for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01
- j. 0.055 acre (2,377 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Thomas O. Kite, Jr., Individually, and Roy A. Bechtol and J. William Green, Co-Trustees of the Lewis Family Trust for the U. S. Highway 183 Expansion Project. C.I.P. No. 85/62-01

Item Postponed

Postponed indefinitely is consideration of the following eminent domain proceeding:

0.034 acre (1,497 square feet) of land in fee simple out of the George W. Davis Survey No. 15 in Travis County, Texas, owned by Corporate Center Joint Venture Number Three for the U.S. Highway 183 Expansion Project. C.I.P. No. 85/62-01.

Contract Postponed

Postponed to March 10, 1988 is consideration of the following contract:

PRIESTER-MELL & NICHOLSON, INC.  
601 E. 56th Street  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Transmission Line Conductor,  
Electric Utility Department  
Total \$127,776.10 C.I.P. No.  
85/13-07

Contracts Approved

Approved the following contracts:

RAMCO CONTRACTORS, INC. (WBE)  
8401 Bluff Springs Road  
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Construction of a One Course  
Surface Treatment Including Prime  
Coat and Six (6) Inches of Flexible  
Base Material Including Surveying  
Services, Electric Utility  
Department Total \$80,969.00 C.I.P.  
No. 85/12-04

TREES, INC.  
P. O. Box 18691  
Austin, Texas

- Construction of Robert Mueller  
Municipal Airport Approach Zone  
Clearance, Obstruction Removal-  
1987, Transportation and Public  
Services Department  
Total \$31,616.90 BB-C033-JJ

HENDRIX GMC TRUCKS, INC.  
4400 S. IH 35  
Austin, Texas

- Three (3) Heavy Duty Truck Chassis,  
General Services Department  
Total \$74,257.00 88-0093-OM

License Agreement

Approved of a License Agreement for an underground water pipeline crossing of City owned railroad right-of-way at Milepost 32.51 and establishing an annual fee of \$200.00. (Request submitted for Aqua Water Supply Corporation, Bastrop, Texas)



Geologic Study

Approved an expanded geologic study conducted by the owners of the Peerman/Anderson/Faulkner Tract as required by conditions of a covenant imposed in connection with zoning cases C14r-86-106 and C14r-86-107.

EHP

Approved authorizing submission of an application to the Texas Department of Community Affairs (TDCA) for a \$41,044.00 grant under the fiscal year 1987/88 Emergency Community Services Homeless Grant Program (EHP) and acceptance of the grant.

Public Hearing Set

Set a Public hearing on Town Lake Comprehensive Plan for March 17, 1988 at 5:30 p.m. Action will be scheduled on the March 24, 1988 agenda.

**GENERIC PHARMACEUTICALS**

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted a resolution approving the following contract: (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Carl-Mitchell and Urdy out of the room)

Bid award:	- Generic Pharmaceuticals, Brackenridge Hospital Twelve (12) Month Supply Agreement Total \$244,826.78 BS8-082
(1) MERCK SHARP & DOME 925 111th Street Arlington, Texas	- \$164,801.04
(2) E. R. SQUIBB & SONS P. O. Box 4000 Princeton, New Jersey	- \$40,139.89
(3) TRAVENOL LABS 1425 Lake Cook Road Deerfield, Illinois	- \$39,885.85

**ACQUISITION OF REAL PROPERTY**

The Council, on Councilmember Humphrey's motion, Councilmember Shipman's second, adopted a resolution validating the Travis County Appraisal District's acquisition of real property. (4-0 Vote, Mayor Pro Tem Trevino, Councilmembers Carl-Mitchell and Urdy out of the room)

## ITEMS FROM COUNCIL

Councilmember Humphrey discussed Telecommunications Planning. Councilmember Urdy's item on Erosion Problems on Little Walnut Creek was discussed at the March 1, 1988 Council meeting.

## BANNER FEES WAIVED

The Council, on Mayor Cooksey's motion, Councilmember Humphrey's second approved waiving banner fees for the Austin Livestock and Rodeo Barbecue Cook-off on April 9 and 10. (5-0 Vote, Councilmember's Nofziger and Urdy out of the room)

## LISTS OF HAZARDOUS MATERIAL SITES

The Council, on Mayor Cooksey's motion, Councilmember Carl-Mitchell's second, directed City Manager to direct staff to write letters to neighborhood associations advising them concerning local emergency planning committee and of their role and responsibility to that program; also advise them that libraries have hazardous materials lists on file and tell them where the libraries are. (5-0 Vote, Councilmembers Nofziger and Urdy out of the room.)  
ITEM POSTPONED

Postponed to March 10, 1988 is consideration of appointing a task force to facilitate communications between the Health Department and restaurant owners, and to analyze the strengths and weaknesses of the Food Protection Program.

## JOINT COUNTY, CITY AIRPORT ZONING BOARD

Councilmember Carl-Mitchell introduced an item to Council concerning direction to staff regarding a joint County, City Airport Zoning Board. He stated: "This is just discussion to give some direction to staff regarding a joint County, City Airport Zoning Board. This has certainly been a discussion topic in the community for several months, and my major concern in this is to not take action here to establish such a board but to at least avail ourselves of additional information so we can see if this is a tool that we wish to use to help us in the planning and construction of our new airport facility in Manor.

"One concern I have with the annexation option which we are studying at the current time is what the cost of that annexation will be. I believe that any additional costs to annex the property near Manor would be detrimental to the city in these financially difficult times. So what I'd like to do is direct the city legal and planning staff to meet with the County Attorney and whatever other staff over in the county is responsible for this to research the steps needed to create a joint city-county airport zoning board under the state statute.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Humphrey's second, approved the following: (6-0 Vote, Councilmember Urdy out of the room)

Research the steps needed to create a joint city-county airport zoning board under the State Statute and answer the following questions, with a report back to Council on April 7, 1988:

1. What authority has the board over land use in the impact area around the airport site in Manor?
2. Can the board be created as an interim step to getting land use controls, and can it be abolished when the city finishes purchasing and annexing the airport site if we choose to defer that option?
3. What rules of procedure exist for such a board to insure an open public process in any hearings it might have?
4. Is the board's land use authority superseded by the city's authority under its zoning and subdivision ordinances when and if we gain zoning and subdivision control over that area?

#### Friendly Amendment

Mayor Cooksey offered a friendly amendment to ask the staff to advise Council of the approach which will maximize the policy-making potential of the City Council in determining the course of action that should be followed in these areas. Councilmember Carl-Mitchell accepted the friendly amendment.

#### ZONING CASE DISCUSSION

Councilmember Carl-Mitchell introduced an item to Council to clarify conditions imposed by Council on Zoning Case C14-85-128, located at 2810-2820 Manor Road and 3301-3411 Randolph Road from "LO" and "GO" to "GR" and bring this back on the March 10, 1988 agenda with different wording.

#### BOAT DOCK

Councilmembers Carl-Mitchell and Nofziger introduced to Council consideration of rescinding the previous Council decision to uphold the appeal from Geoffrey Palter of the issuance of a site development permit to Mr. Larry Taub for a boat dock to be located at 5911 Cone Circle and consider anew the appeal.

After discussion the following motion was made:

#### Motion

The Council, on Mayor Cooksey's motion, Councilmember Nofziger's second, rescinded previous Council action and denied the appeal. (6-1 Vote, Councilmember Shipman voted No.)

## REPORT ON OFFICE SPACE

Ann Bradstreet gave the Alexander and Associates Report concerning office space availability for employees of the City of Austin.

## EXECUTIVE SESSION

Mayor Cooksey announced Council would enter into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e
  - (a) City of Austin v. Houston Lighting and Power
  - (b) City of Austin v. East Austin Chicano Economic Development Corporation
  - (c) Vescovo v. City of Austin
2. Contemplated Litigation - Section 2, Paragraph e
  - (a) Fuel issues
3. Personnel Matters - Section 2, Paragraph g
  - (a) City Manager Search
  - (b) Appointment of Relief Judges

## RECESS

Council recessed its meeting from 6:00 P.M. to 8:50 P.M.

## CITY MANAGER REPORTS

The Five Year Financial Forecast Report was presented on March 1, 1988. Another report will be given on March 29, 1988.

The report on City Land Fill Rates was not given.

## PUBLIC HEARING POSTPONED

Postponed to March 17, 1988 at 7:00 p.m. is the continued public hearing on the Interim Land Development Code, and passage of ordinance.

## ZONING POSTPONED

Postponed indefinitely is the following zoning case:

-87	JESSIE CARMONA	1200 Block	From "LO"
174	By Pena & Jones	Montopolis Drive	To "GR"
			NO RECOMMENDATION

## NO ACTION ON ITEMS

No action was taken on Gilbane Update on the Civic Center Project, or City Manager Search.

Council Memo

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**SINGLE MEMBER DISTRICT ELECTION PROPOSITION**

Postponed to March 10, 1988 is action on Single Member District Election Proposition. Several people spoke on the subject.

**ADJOURNMENT**

Council adjourned its meeting at 10:20 P.M.